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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/655,950  
Filing Date: September 04, 2003  
Appellant(s): GAUSELMANN, MICHAEL

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Brian D. Ogonowsky  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 6/28/2010 appealing from the Office action mailed 12/10/2009.

**(1) Real Party in interest**

The examiner has no comment on the statement, or lack of statement, identifying the name of the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

1 – 3, 5, 6, 8, 11, 12, 15 – 18, 20, 21, 23, 24 and 26 – 28

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

#### **(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

#### **(8) Evidence Relied Upon**

6905407	Nordman	8-2003
6270412	Crawford	11-1999

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

##### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim 1-3, 5, 6, 8, 11, 12, 15-18, 20, 21, 23, 24, and 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Nordman (6,905,407) in view of Crawford et al. (6,270,412).**

3. Referring to claim 17, Nordman teaches a gaming device comprising: a first display area (30) for displaying a base game (Fig. 1B), the base game having a plurality of possible outcomes (e.g., slot symbols combinations); and at least one processor for triggering a selection of one or more features to be applied to the base game in response to a triggering event, the one of more features providing a temporary enhancement to the base game, the one or more features acting to increase an award value or increase a player's chances of winning an award when playing the base game (2:45-60; 5:6-6:59); and a second display area (32) for displaying one or more selectors randomly selecting one or more features to be applied to the base game in response to the triggering event (Figs. 1A - 5) (2:1-3:40; 7:13-8:22).

Nordman further teaches that in response to the triggering event, randomly selecting a number (i.e. one or more) of subsequent base games (the one or more features include randomly selecting a number of free base game) (7:13 - 24; Col 6, 25 - 30; Fig 3, 4 and 5). Nordman also teaches that the second display area (32) also for displaying the one or more selectors for randomly selecting a number of subsequent base games, including one or more subsequent base games (7:13 - 24; Col 6, 25 - 30; Fig 1A and B, 3, 4 and 5).

Nordman does not explicitly teach selecting (i.e. randomly selecting) a number of subsequent base games, equal to one or more, **to which the one or more features will apply** (the one of more features to be applied to at least one subsequent base game).

Crawford et al., however, teaches a gaming system wherein one or more features selected (i.e. randomly selected) is saved for the next or subsequent game (see abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the user a game symbol saving option, as taught by Crawford et al., to the game system of Nordman to enhance game experience, and further, allow the player to continued the game with the saved game feature to encourage the players to play the game again, thus increase casino revenue.

4. Referring to claim 1, Nordman teaches a gaming method comprising: displaying a base game (e.g., slot machine game), the base game having a plurality of possible outcomes; triggering a selection of one or more features to be applied to the base game by a triggering event, the one of more features providing a temporary enhancement to the base game, the one or more features acting to increase an award value or increase a player's chances of winning an award when playing the base game (2:45-60; 5:6 - 6:59); and in response to the triggering event, randomly selecting one or more features to be applied to the base game Figs. 1A-5) (2:1-3:40; 7:13-8:22).

Nordman further teaches that in response to the triggering event, randomly selecting a number (i.e. one or more) of subsequent base games (the one or more

features include randomly selecting a number of free base game) (7:13 - 24; Col 6, 25 - 30; Fig.4 and 5).

Nordman does not explicitly teach selecting (i.e. randomly selecting) a number of subsequent base games, equal to one or more, **to which the one or more features will apply** (the one or more features to be applied to at least one subsequent base game).

Crawford et al., however, teaches a gaming system and method wherein one or more features is selected (i.e. randomly selected) and saved for the next or subsequent game (see abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the user a game symbol saving option, as taught by Crawford et al., to the game system of Nordman to enhance game experience, and further, allow the player to continued the game with the saved game feature to encourage the players to play the game again, thus increase casino revenue.

5. Referring to claims 2 and 18, Nordman teaches triggering a selection comprises displaying a certain symbol combination in the base game (e.g., slot game symbol combination).
6. Referring to claim 3, wherein triggering a selection comprises displaying at least three matching symbols across a payline in the base game, this limitation is inherent form slot machine game of Nordman (e.g., matched slot symbols in winning combination).

7. Referring to claims 5, 11, 20, 27, Crawford et al. teaches using wild card symbols in the base game (6:45-56).
8. Referring to claims 6 and 21, Nordman teaches randomly selecting comprises randomly selecting an award multiplier to be applied to the base game (8:1-12).
9. Referring to claims 8 and 23, Nordman teaches randomly selecting comprises randomly selecting a symbol that pays an award in the base game (8:1-12; 7:13-21).
10. Referring to claims 12 and 28, Nordman teaches displaying the base game comprises displaying a random selection of symbols in at least one row and a plurality of columns (Fig. 1A, 1B).
11. Referring to claims 15 wherein extinguishing the one or more features randomly selected when a player cashes out of a gaming device running the base game, this limitation is inherent from the game system of Nordman in which the special game feature would end should the game player stop playing the game.
12. Referring to claim 16, Crawford et al. teaches a gaming system wherein one or more features randomly selected is saved for the next game (see abstract).
13. Referring to claim 26, wherein the first display and the second display are physically in separate locations, this is a design choice since locating displays of a gaming machine apart from each other does not bring unexpected results to the game.

#### **(10) Response to Argument**

14. Regarding claims 1 and 17, the appellant argues that the combination of Nordman and Crawford fail to teach the limitation of "in response to the triggering event,



randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply. ". The examiner respectfully disagrees. Nordman clearly teaches that of in response to the triggering event (Col 4, 16 – 19 and Col 6, 25 – 30; the examiner is interpreting the bonus triggering event as the claimed the triggering event), randomly selecting a number (i.e. ten (subsequent base games), as shown in Fig 4, ten subsequent base games meets the limitation of the number of subsequent base games is equal to one or more) of subsequent base games (i.e. number of free (subsequent base) games) (Col 7, 13 – 24; Col 6, 25 - 30; Col 4, 16 – 19; Fig 3 - 4; For example, multiple symbols on part 66a – 66d can indicate number of subsequent base games (i.e. symbols indicating 5, 10 or 15 subsequent base games), which means that the gaming device/system described by Nordman can randomly select a number of subsequent base game (i.e. randomly select 10 subsequent base games from a pool of 5, 10, 15 subsequent base games)).

Nordman also teaches the method randomly selecting both "number of subsequent base games" (i.e. number of free (subsequent base) games) and "one or more features" (i.e. a multiplier) (Col 8, 40 – 44; Col 3, 15 – 21 and Fig 5 teach that gaming device/system will randomly select two symbols; Col 7, 13 - 24 teach that each of the symbols can be a multiplier of gaming device credits **or** a number of free games, which means that the gaming device/system can randomly select one symbol indicating number of subsequent base games **and** another symbol indicating one or more features (i.e. a multiplier)).

Nordman fails to explicitly disclose the limitation of one or more features to be applied on one or more subsequent base games. Crawford teaches one or more features (i.e. a symbol save feature or a multiplier feature) to be applied on one or more (i.e. at least one) subsequent base games (abstract, 1 – 5; Col 2, 57 – 61; Col 5, 22 - 25).

15. Regarding claim 17, the appellant argues that the combination of Nordman and Crawford fail to teach the limitation of "a second display area for displaying one or more selectors randomly selecting the one or more features to be applied to the base game in response to the triggering event, the second display area also for displaying the one or more selectors for randomly selecting a number of subsequent base games, including one or more subsequent base games, to which the one or more features will apply" **and** Crawford is consistent with (teaches away from) the aforementioned displayed selector. The examiner respectfully disagrees.

The combination Nordman and Crawford clearly discloses the aforementioned limitation (the aforementioned limitation was discussed in the rejection for claim 17 (see above)). The Crawford reference teach the limitation of one or more features (i.e. the multiplier feature taught by Norman) to be applied on one or more subsequent base games ((abstract, 1 – 5; Col 2, 57 – 61; Col 5, 22 - 25), the aforementioned limitation does not teach away from the aforementioned displayed selector and is consistent with the aforementioned display sector.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Wei Li/ August 24, 2010

Examiner, Art Unit 3714

Conferees:

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3714

/Peter DungBa Vo/

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